

ARTICLE II

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2.010 SCOPE

For the purpose of this resolution and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- b. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- c. The word "shall" is mandatory.
- d. The word "may" is permissive.
- e. The words "used" or "occupied" includes the words "intended", "designed", or "arranged to be used" or "occupied".
- f. The word "lot" includes the words "plot" or "parcel."

2.020 DEFINITIONS

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Zoning Resolution. Terms not herein defined shall have their standard dictionary definition or such as the context may imply.

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building, the use of which is incidental to that of a principal building and located on the same lot therewith.

ACCESSORY DWELLING: A second dwelling unit that is part of an existing one-family detached dwelling, or is located in a separate accessory structure on the same lot as the main dwelling, with provision within the accessory dwelling for cooking, eating, sanitation and sleeping. Such dwelling unit is subordinate to the main dwelling. (Added by Resolution 5, Dated March 20, 2006)

ACCESSORY USE: A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT ORIENTED BUSINESS: Any business as defined by Sections 7-51-1101 through 7-51-1121 of the Tennessee Code Annotated. (Added by Resolution 10, Dated February 19, 2001)

ADVERTISING: Includes any writing, printing, painting, display, emblem, drawing, sign, or

other device designs used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, signboards, wallboard, roofboard, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

ADVERTISING SIGN OR STRUCTURE: See SIGN.

AGRICULTURE USE: The use of a tract of land for all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture viticulture, floriculture, forests, and wood, provided, however, all health codes of Cheatham County are complied with. The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use nor shall the commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term "alter" in its various modes and tenses and its practical forms, refers to the making of an alteration.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all necessary buildings exclusive of uncovered porches, terraces, and steps.

ATTACHED: An enclosure having continuing walls, roof and floor.

AUTOMOBILE WRECKING: A yard, field, or other area used as a space of storage for one or more motor vehicles which is unserviceable, discarded, worn-out, junked, or which does not have current license. A motor vehicle is defined as any self-propelled vehicle not operated exclusively on track, including motorcycles.

AVERAGE GROUND ELEVATION: The elevation of the mean finished grade at the front of a structure.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The Cheatham County, Tennessee Board of Zoning Appeals.

BUFFER STRIP: A greenbelt planted strip intended to create a buffer between

incompatible uses as regulated in Article III, Section 3.110.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes or trailers, and similar structures whether stationary or movable.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING COMMISSIONER: The Building Codes Officer or his authorized representative appointed by the Cheatham County Commission.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING OFFICIAL: Any appointed or certified official of the Building Department.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or if an official future street right-of-way has been established, from that future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

BULK: Describes the size of buildings or other structures and their relationship to each other and to open areas and lot lines.

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers or for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See Medical Facility.

COMMUNITY PLANNER: Zoning Administrator for the Zoning Regulations of the County as appointed by the County Mayor.

CONDITIONAL USE (SPECIAL EXCEPTION): A conditional use is a use that would not be appropriate generally or without restriction throughout the zoning districts but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning district as conditional uses, when specific provisions for such use is made in this resolution. For the purposes of administration of this resolution, conditional uses shall be construed as synonymous with special exceptions, as controlled by Section 13-7-107,

Tennessee Code.

CONVENIENCE SALES: The retail sale of small convenience items such as toiletries, tobacco, and magazines. The dispensing of petroleum products may be included as accessory to convenience food products retailing.

CONVENIENCE SERVICES: Services which are typically needed frequently or recurrently, such as barber and beauty care; and includes the operation of self-service laundromats but excludes other apparel, cleaning and repair services.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership or social amenities: golf, riding, club house, pool, dining facilities, lounge.

COUNTY COMMISSION: The Cheatham County Commission.

COVERAGE: The percentage of a lot which is covered by all buildings located therein, including the area covered by all overhanging roofs.

DAY CARE HOME OR CENTER: Any place, home or institution, which receives eight (8) or more unrelated young children for general care, exercise, play or observation.

DEVELOPMENT: Any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, or drilling operations. Agricultural activities such as plowing or cultivating and gardening activities are not included in this definition of development.

DIRECTOR, BUILDING DEPARTMENT: Administrative Supervisor of the Building Department, appointed by the Cheatham County Commission upon recommendation by the County Mayor.

DISTRICT: Any section or sections of the area lying within Cheatham County, Tennessee, but outside the corporate limits of any municipality for which the regulations governing the use of land, density, bulk, height, and coverage of buildings and other structures are in force.

DWELLING: A building or part thereof used as a habitation under one of the following categories:

SINGLE DETACHED DWELLING: A building and accessories thereto principally used, designed, or adapted for use by a single household, includes modular/manufactured.

DUPLEX DWELLING: A building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

MULTI-FAMILY DWELLING: A building and accessories thereto principally used, designed, or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

ROOMING HOUSE: A building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and without owner-provider cooking and dining facilities.

Boarding House: A building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

TOWN HOUSE: A residential structure containing three (3) or more non detached dwelling units separated by a common vertical wall.

CONDOMINIUM: An apartment building or townhouse containing three (3) or more dwelling units separated by a common vertical wall.

MOBILE HOME DWELLINGS: A detached one-family dwelling with all the following characteristics:

- (1) A single self-contained unit and mounted on a single chassis.
- (2) A structure, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
- (3) Not designed and constructed in accordance with the applicable provisions of the adopted building code, except Appendix I, "Mobile Home Standards".
- (4) Not designed and constructed in accordance with applicable provisions of the adopted housing codes.
- (5) Not containing a plumbing system designed and installed to meet the applicable requirements of the adopted plumbing code.
- (6) Denoted by a **RED** tag issued by the Federal Department of Housing and Urban Development.

MODULAR/MANUFACTURED: A single detached dwelling constructed primarily off-site, designed to be transported on a flat-bed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or sanitary on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor of six hundred (600) square feet and have no horizontal exterior dimensions of less than fifteen (15) feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

FAMILY: One or more persons related by blood, lawful marriage, or adoption, living as a single housekeeping unit. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group. The term family, as used in this resolution, shall be construed to include groups of eight (8) or fewer unrelated mentally retarded or physically handicapped persons and with two (2) additional persons acting as house parents or guardians who need not be related to each other or to any of the mentally retarded or physically handicapped persons residing in the house. (See Chapter 24, of Title 13, Tennessee Code.)

FLOOR AREA: The total of the gross horizontal area of all floors, including usable basements and cellars, below the roof and within the outer surface of the main walls of principal or accessory buildings or the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two (2) feet within the roof line of the building or portions thereof without walls, but excluding in the case of nonresidential facilities; arcades, porticoes, and similar open areas which are accessible to the general public, and which are not designed or used as sales, display, storage, service, or production areas.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil, or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Cheatham County Department of Health and Environment.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See MEDICAL FACILITIES.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, storing, and selling of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storing and salvaging of machinery or vehicles not in running conditions for the sale of parts thereof.

KENNEL: A building, structure, pen, cage or other facility used to provide care, treatment or boarding services for four (4) or more domestic animals (excluding agricultural livestock), over the age of twelve (12) weeks, which animals are recovering from an injury or veterinary treatment; or which are awaiting adoption, sale, or transfer to another facility; or which by contract with the owner are being boarded until the animal's owner returns and reclaims same. **(Added by Resolution 3, Dated May 15, 2006)**

LANDSCAPING: The planting and maintenance of trees, shrubs, lawns, and other ground cover, or materials.

LANDHOLDER: The legal or beneficial owner or owners of all the land proposed to be included in a planned unit development. The holder of an option or contract to purchase, a lessee having a remaining term of not less than fifty (50) years in duration, or other person having an enforceable proprietary interest may be considered a "landholder" for the purpose of this resolution.

LOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, plot, or parcel of land in one ownership, which may include one or more lots of records, occupied or to be occupied by one or more principal building and accessory buildings, including the open spaces required under this resolution.

LOT, AREA: The total surface land area included within lot lines.

LOT, CORNER: A lot of which at least two (2) adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two (2) such sides is less than one hundred-thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a recorded in the office of the county register of deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the county register of deeds prior to the effective date of this resolution.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

MEDICAL FACILITIES:

Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation or fee.

Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

Hospital: An institution providing health services primarily for human in-patient medical care for sick or injured and including related facilities such as laboratories, out-patient facilities, emergency medical services, and staff offices which are an integral part of the facility.

Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINI-WAREHOUSE: See SELF-STORAGE OR MINI-WAREHOUSE.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

NONCONFORMING USE: A building, structure, or use of land existing at the time of enactment of this resolution which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material in gaseous, liquid or solid form which is capable of causing injury to living organisms, chemical reactions, or detrimental affects upon the social, economic or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky, except as, otherwise, provided in this resolution.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devise, fiduciary, and a person having a vested or contingent interest in the property in question.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one (1) motor vehicle and having an area of not less than one hundred sixty-two (162) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PERMANENT ACCESS EASEMENT: A perpetual easement guaranteeing right of ingress and egress to and from the premises of a lot owner to a street appurtenant to the land of the owner. Any permanent access easement utilized as the sole means of providing legal access to two (2) or more parcels of land shall: (1) be so designed as to assure continuing adequate ingress and egress for emergency vehicles; and (2) be assured adequate continuing maintenance by an owners association or similar organization. The portion of the permanent access easement intended for ingress and egress shall, unless located within a Planned Unit development district, be constructed to the standards of a public street as specified in the Subdivision Regulations. In any instance where a permanent access easement is located within a PUD district or multi-family development, the design standard shall be as approved in the development plans required therefore. **(Added by Resolution 6, Dated October 16, 1995)**

PLANNED UNIT DEVELOPMENT: A relatively large, interrelated development adhering to a master development plan and located on a single tract of land, or on two (2) or more tracts of land which may be separated only by a street or other right-of-way.

PLANNING COMMISSION: The Cheatham County Regional Planning Commission.

PRINCIPAL STRUCTURE: A structure in which is conducted the principal use of the lot on which it is situated. In any residential or agricultural district, any dwelling shall be deemed the principal structure on the lot on which the same is situated. Carports and garages if permanently attached to the principal structure shall be deemed a part of the principal structure. Awnings, porches, patios, or similar attachments shall be deemed a part of the principal structure with two meeting any yard requirement.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings, not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities

including ditches and curbs and gutters, which is used to transport motor vehicles.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State Department of Health and Environment.

SELF-STORAGE OR MINI-WAREHOUSE: A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, controlled-access stalls or lockers for the dead storage of the customer's goods or wares. No sales or repair activities are permitted on such premises. Such storage units shall not be used for human or animal habitation. **(Added by Resolution 9, Dated July 16, 2007)**

SHOPPING CENTER: A group of compatible commercial establishment, planned, developed, and managed as a single unit, with an automobile storage area provided on the property; the center must also be related in location, size, and type of businesses to its' trade area.

SIGN, BILLBOARD, OR OTHER ADVERTISING DEVICE: Any structure or part thereof or device attached thereto, or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or any representation used as, or which is in the nature of, an announcement, direction or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city or other political unit. For further definition, see Article IV, Section 4.080.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board of Zoning Appeals that it will meet certain standards, enumerated safeguards, or qualifying conditions.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of floor area of the story next below shall be a "half-story". A basement shall be considered as a story if more than one-half (1/2) of its height is above the average ground level from which the "height of a building" is measured or if it is used for commercial purposes.

STREET: A publicly maintained road, highway, or thoroughfare which constitutes, or is designed to constitute, the main access to more than one (1) lot and which has been legally dedicated and accepted for public use. **(Amended by Resolution 5, Dated March 20, 2006)**

STRUCTURE: Anything constructed, assembled, or erected, the use of which required permanent or semi-permanent location on the ground, or attachment to something having a permanent or semi-permanent location on the ground including but not limited to buildings, stadiums, radio or other transmission towers, sheds, storage dens, fallout shelters, swimming pools, mobile and manufactured homes and signs. Shall not include fences and pavement or similar surface treatment. **(Amended by Resolution 3, Dated July 20, 1992)**

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which are capable of causing injury to living organisms even when present in relatively small amounts.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

USE: The purpose for which land or a building or other structure is designed, arranged or intended, or for which it is or may be occupied or maintained.

UTILITY EASEMENT: The right granted by the owner of land to allow utility facilities to be constructed, maintained, or preserved. Utility easement shall include, but is not limited to, easement for storm drainage, water lines, sewer lines, electric power lines, and pipe lines. **(Added by Resolution 6, Dated October 16, 1995)**

WASTE:

Nonhazardous Waste shall mean typical domestic waste generated from an average residence or business, including but not limited to paper, glass, food, cloth, garbage, trash, and sanitary septic tanks.

Hazardous Waste shall be designated so if any of the following characteristics apply:

Characteristic of Ignitability. A flashpoint of 60 degrees C or 140 degrees F, for a liquid or capable under standard temperatures and pressure of causing fire through friction, absorption of moisture or spontaneous chemical changes or an ignitable compressed gas or oxidizer.

Characteristic of Corrosivity. An aqueous with a PH less than or equal to 2 or greater than or equal to 12.5 or a liquid which corrodes steel at a rate greater than .25 inch per year at 130 degrees F.

Characteristic of Reactivity. It is normally unstable and readily undergoes violent change without denoting, reacts violently to water, a sulfide which generates toxic gas when exposed.

Characteristic of EP Toxicity. A waste that exhibits EP toxicity using the required test of the Department of Health and Environment.

Waste. Listed under Tennessee's Hazardous Waste Management regulations.

Hospital/Medical Waste. Any waste generated from a hospital, nursing home, or clinic or any other medical facility including but not limited to hospital supplies, bedding, needles, blood, and infectious waste.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this resolution, provided that accessory buildings may be located in a rear yard.

YARD FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD SIDE: The required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.